

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

GERALD R. CARROLL,)	
PLAINTIFF,)	
)	
V)	CAUSE NO. 4:00-CV-864-RWS
)	
MICHAEL SISCO, ET AL,)	
DEFENDANTS.)	

**DEFENDANTS ST. LOUIS COUNTY, RONALD BATTELLE,
MICHAEL SISCO, KEITH COLEMAN, AND
MICHAEL MCCANN'S MOTION FOR LEAVE TO SUBMIT AN
AMENDED MOTION FOR SUMMARY JUDGMENT**

Come now Defendants St. Louis County, Ronald Battelle, Michael Sisco, Keith Coleman and Michael McCann (hereinafter "County Defendants"), and ask leave of this Court to submit an Amended Motion for Summary Judgment. County Defendants' original Motion For Summary Judgment was denied by the Court's Order of January 24, 2003, because Plaintiff's criminal convictions were not yet final. Document 121, pg. 7. At the time of the original motion for summary judgment, Plaintiff still had pending a motion to vacate, set aside, or correct sentence pursuant to 28 U.S.C. §2255. Document 121, pgs. 7 – 8.

Plaintiff filed a writ of certiorari in his criminal that was denied. Carroll v. U.S., 531 U.S. 849 (2000). The United States Court of Appeals for the Eighth Circuit denied Plaintiff's motion to vacate, set aside, or correct sentence pursuant to 28 U.S.C. §2255; the Eighth Circuit then denied Plaintiff's Writ of Mandamus and dismissed Plaintiff's two subsequent appeals as well as Plaintiff's petition for rehearing by the panel. County Defendants' Exhibits ##2 - 6. Plaintiff's criminal conviction is final.

WHEREFORE, County Defendants ask leave of this Court to submit an Amended Motion for Summary Judgment for this Court's consideration.

PATRICIA REDINGTON
COUNTY COUNSELOR

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CERTIFICATE OF SERVICE

A copy of the foregoing was sent by mail this 28th day of February, 2008 to Gerald R. Carroll, Reg No. #21533-044, P.O. Box-12015, U.S. Penitentiary, Terre Haute, Indiana, 47801, Peter Dunne, 100 South Fourth, Suite 400, St. Louis, Mo. 63102-1821 and Thomas Goeddel, St. Louis City Counselor's Office, St. Louis City Hall – Room 314, 1200 Market Street, St. Louis, Missouri 673103 and Bart A. Matanic, Esquire, 221 W. High Street, 6th Floor, Jefferson City, Missouri 65101.

/s/ Robert E. Fox, Jr.
Robert E. Fox, Jr.